

**Serial No. 10/527,278**  
**Atty. Doc. No. 2001P23526WOUS**

**REMARKS**

Claims 14-27 are pending in the present application. Claims 14-17 stand as allowed. Applicants herein amend claims 18, 25 and 26, and cancel claims 21 and 25. Upon entry of these amendments, claims 14-20, 22-24, 26 and 27 remain pending in this application. Applicants respectfully request entry of these claims and allowance of all claims remaining pending.

**Claim Rejections under 35 USC 103**

Claims 18-27 stand rejected under 35 USC 103(a) as being unpatentable over EP944801 [D1] in view of JP03221702 [D2], Duffy (US 6019070) [D5], DE19700350 [D6], DE3441972 [D7], and EP450072 [D8].

Claim 18 is amended herein to more clearly define an embodiment comprising aspects of the invention, which is patentable over the cited references. The added limitations found in amended claim 18 were taken from claims 23 and 24, now cancelled.

None of the cited references teach, or suggest or provide motivation to form the device as claimed in now-amended claim 18. On page 3 the 03/24/2006 Office action states "it would not require inventive input to connect the horizontal outlet collector in document D7 with an associated inlet collector, even though this is not explicitly disclosed in D7." This appears conclusive and involving impermissible hindsight in part because D1 and D7 in combination do not teach all limitations of claim 18 and to combine them appears to require knowledge gleaned from the applicants' disclosure. Inter alia, neither D1 nor D7 teach that "at least one outlet accumulator of the further continuous heating panel of the evaporator is integrated in a constructional unit with an allocated respective inlet accumulator of the continuous heating panel of the evaporator."

Also, and more generally, there is a lack of suggestion or motivation to combine the references to arrive at the invention as now claimed. Reconsideration of this justification for rejection as it may pertain to now-amended claim 18, which is to be considered in its entirety, is respectfully requested.

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Further, it appears that some references (e.g., D5 through D8) teach away from the approach taken in claim 18 by virtue of their respective emphases to solve problems unrelated to the features of the present invention. D5 teaches clearly distinct stages, made of building block circuit assemblies, where the specification states, "A[n] [sic] intermediate pressure steam exterior manifold 51 is connected to the two intermediate pressure steam headers 50. In the high pressure superheater sections a high pressure steam exterior manifold 53 is connected to four separate high pressure steam headers 52 that are part of the four parallel circuit modules." There is no teaching of connecting the outlet of one stage, integrated in a constructional unit, with an inlet of the next stage. To do the latter would work against the approach of having separate intermediate and high pressure steam in this device.

Further, to make such combination by combining D5 with another reference would change the principle of operation of D5 (see MPEP 2145 X.D), and thus is inappropriate. D6 does not teach accumulators (or headers) positioned between the two condenser heating surfaces 2, 3, thereby also teaching away. D7 and D8 do teach headers, but do not teach that the headers are connected with adjacent systems or stages. In view of this teaching away and/or changing principle of operation, it does not appear appropriate to use these references in an obviousness rejection of claim 18 as amended.

Also, as may be surmised from the amendments, some changes to claim 18 are made to more clearly state aspects in the English language, to address possible translation problems. These amendments are not made for purposes of patentability in response to a patentability-based rejection, but are made to improve the clarity of the claim. This also applies to certain amendments in claims amended herein other than claim 18.

Reconsideration and allowance of all remaining claims is respectfully requested.


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Conclusion

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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